

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**CHRISTOPHER BAILEY,
#R71263,**

Plaintiff,

v.

CECIL THOMAS HOLT, *et al.*,

Defendants.

Case No. 21-cv-00013-SPM

MEMORANDUM AND ORDER

MCGLYNN, District Judge:

This matter is before the Court for case management purposes. The summonses served on Defendants Daniel Q. Sullivan and Kimberly Wharton were returned executed for both Defendants on January 11, 2022. (Doc. 21, 22). Sullivan's answer was due January 19, 2022, and Wharton's answer was due January 24, 2022. As of this date, Defendants have failed to move, answer, or otherwise plead in response to the Complaint.

The Federal Rules of Civil Procedure provide that the Clerk of Court must enter default against a defendant who has failed to plead or otherwise defend. FED. R. CIV. P. 55(a). Accordingly, the Court **ORDERS** as follows:

- (1) The Clerk of Court is **DIRECTED** to **ENTER DEFAULT** against Defendants Sullivan and Wharton in accordance with Federal Rule of Civil Procedure 55(a).
- (2) Plaintiff is **ORDERED** to move for default judgment against Defendants Sullivan and Wharton on or before **March 10, 2022**, in accordance with Federal Rule of Civil Procedure 55(b).
- (3) If Plaintiff fails to move for default judgment as set forth in this Order, this entire action will be dismissed as to Defendants Sullivan and Wharton for failure to prosecute and/or failure to comply with an order of the Court.

- (4) The Clerk of Court is **DIRECTED** to transmit a copy of this Order and the entry of default to Plaintiff and to Defendants Sullivan and Wharton.

IT IS SO ORDERED.

DATED: February 10, 2022

s/ Stephen P. McGlynn
STEPHEN P. MCGLYNN
United States District Judge